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In re Application of
BARTON et al.
Application No.: 09/807,959
PCT No.: PCT/JP00/05704
Int. Filing Date: 24 August 2000
Priority Date: 27 August 1999
Attorney Docket No.: 206094US2PCT
For: SYNCHRONIZING PULSE
GENERATING METHOD AND METHOD OF
RECEIVING OFDM SIGNAL

DECISION

This decision is in response to the "PETITION UNDER 37 CFR 1.181 FOR
CORRECTED NOTICE OF ACCEPTANCE" submitted by applicants on 05 July 2001.

BACKGROUND

On 24 August 2000, applicants filed international application PCT/JP00/05704, which claimed a priority date of 27 August 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 March 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 27 April 2001.

On 26 April 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a translation of the international application into English, and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than twenty months from the priority date.

On 01 June 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 June 2001, applicants submitted an executed declaration of inventors.

On 25 June 2001, the United States Designated/Elected Office mailed a NOTIFICATION

OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) which indicated the date of receipt of all 35 U.S.C. 371 requirements as 26 April 2001.

On 05 July 2001, applicants submitted the instant "PETITION UNDER 37 CFR 1.181 FOR CORRECTED NOTICE OF ACCEPTANCE" requesting that the date of receipt of all 35 U.S.C. requirements be changed to 14 June 2001.

DISCUSSION

A declaration of the inventors, as required by 35 U.S.C. 371(c)(4), was not submitted on 26 April 2001. Accordingly, the NOTIFICATION OF ACCEPTANCE OF APPLICATION mailed 25 June 2001 is hereby VACATED. The declaration of the inventors submitted 14 June 2001 is in compliance with 37 CFR 1.497(a)-(b). Accordingly, all 35 U.S.C. requirements were met on 14 June 2001.

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF ACCEPTANCE OF APPLICATION mailed 25 June 2001 is hereby VACATED.

For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 14 June 2001.



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